

In the Matter of Northwestern Bell Telephone
Company's Private Line Transport Services
Tariff Filing

ISSUE DATE: March 7, 1988

DOCKET NO. P-421/M-87-596

ORDER GRANTING REQUEST FOR
EXTENSION OF SUSPENSION PERIOD

PROCEDURAL HISTORY

On September 30, 1987, Northwestern Bell Telephone Company (NWB or the Company) filed a Private Line Transport Services tariff with the Minnesota Public Utilities Commission (the Commission).

On November 24, 1987, the Commission issued its Order Suspending Rates and Extending Period of Suspension (November 24, 1987 Order). In that Order, the Commission granted NWB's request for a 90 day suspension of the ten month rule under Minn. Stat. §237.075, subd. 2 (1986), subject to a written request from NWB for a waiver of the ten month rule. The purpose of the suspension period was for NWB to discuss with other parties the possibility of settling or narrowing the contested issues in this proceeding.

On December 11, 1987, NWB submitted a letter waiving its rights to the ten month time limit under Minn. Stat. §237.075, subd. 2 (1986) for a period of 90 calendar days.

On February 19, 1988, NWB requested a 30 day extension of the 90 day suspension period. NWB explained that because of the complexity of the issues involved and the need for additional settlement proposals which reflect the parties' views, the Company needed an additional 30 days for settlement discussions.

On February 26, 1988, the Minnesota Department of Public Service (DPS) submitted a letter to the Commission supporting NWB's request.

discussion on the disputed issues would be appropriate in this proceeding. The Commission found that, with a good faith effort and the cooperation of all interested parties, this discussion could be productive and could limit the number and scope of issues to be decided through hearing. The Commission found that this would reduce the time and money spent by state agencies, interested parties, and NWB. Therefore, the Commission concluded that it would grant the 90 day suspension period for discussion subject to a written statement from NWB waiving the ten month limit for the suspension of the proposed rates.

The Commission found that formal discovery should be allowed during the 90 day discussion period. The Commission also found that information shared between the parties during the 90 day period which is proprietary in nature should be treated as such. Therefore, the Commission adopted the Protective Order and the Protective Agreement used in NWB's private line case (Docket No. P-421/M-86-508).

FINDINGS AND CONCLUSIONS

Without an additional 30 day extension, the Commission finds that parties may not be able to agree on the narrowing or settling of any issues. However, if the 30 day extension is approved, the Commission believes that the possibility of narrowing or settling some or all of the issues is greatly improved.

The Commission finds that NWB believes that the opportunity for settlement or narrowing issues would be enhanced with some additional time. The Commission also finds that the DPS, the only party to respond to NWB's request, supported the 30 day extension of the suspension period.

Additionally, as stated in the November 24, 1987 Order, the Commission finds that Minn. Stat. § 237.075 (1986), regards the telephone company seeking a rate change as the party who can enforce or waive the ten month period for a Commission decision on a proposed rate change.

For the reasons discussed above, the Commission concludes that it will approve NWB's request for an additional 30 day waiver of the ten month rule. Under the November 24, 1987 Order, the date for the report on settlement negotiations is March 9, 1988. With the additional 30 day suspension of the ten month rule, the new due date for submission of the report will be April 8, 1988. If there are issues not resolved by April 8, 1988, this matter will be set for a contested case hearing to resolve those issues. The Commission will not consider any additional requests for a waiver of the ten month rule.

During the additional 30 day extension of the suspension period, the same terms and conditions of the Commission's November 24, 1987 Order regarding formal discovery and proprietary information

1. Northwestern Bell Telephone Company's request to waive its right to a ten month suspension period under Minn. Stat. §237.075, subd. 2 (1986), is hereby approved for an additional 30 days. The report to the Commission on the results of the settlement discussions shall be submitted no later than April 8, 1988.
2. During the 30 day additional suspension period, the terms and conditions outlined in the November 24, 1987 Order in this proceeding regarding formal discovery and proprietary information shall continue.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Mary Ellen Hennen
Executive Secretary

(S E A L)